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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/054,106

11/13/2001

Steven S. Center

064706-0016

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10/05/2006

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EXAMINER

FISHER, MICHAEL J

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/054,106 | Applicant(s) CENTER ET AL. | |
| | Examiner Michael J. Fisher | Art Unit 3629 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 25-38 been renumbered 24-37.

Note: There is no claim 24, also note that wherever claim 24 is referenced in claims 25-31, it will be considered to be claim 23 and not claim 24 (claim 25 as originally misnumbered) else claim 24 would reference itself.

Further, in claims 19 and 37, the examiner believes that the current wording is somewhat unclear. While not rising to the level of a rejection under 35 USC 112, changing the wording to, "the dealer with the most recent prior contact" would more clearly state the limitation as the dealer is not the "most recent" but the contact.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 6,826,552 to Grosser et al. (Grosser).

As to claims 1,23, Grosser discloses a method for referring a prospective customer to prospective automobile dealers including prompting the customer to enter customer information and receiving it (col 27, lines 23-25), querying a database using the information (title), the database including dealer information about a plurality of dealers and reporting the information to the customer (col 28, lines 59-60).

Grosser does not, however, teach contact information about prior contacts between the customer and the dealer. Grosser does teach saving information from previous searches (col 29, lines 16-18). It would have been obvious to save this information for future use in case the customer re-uses the system for another car so that the customer could buy from a dealer the customer liked or not buy from a dealer the customer didn't like, especially as the information includes, "values" (col 29, lines 43-44).

As to claim 20, Grosser discloses a central server (fig 3), a processor (330, fig 3), a database (313, fig 3) and means for transmitting information (inherent in that the information is transmitted).

As to claims 2,3,24,25 the information includes the customer's name and address (col 27, lines 59-60).

As to claims 4,26 it would be obvious to include a plurality of contacts if there were a plurality so as to have complete information.

As to claims 5,27 it would be obvious to group the contacts, such as in "favorable" and "unfavorable" sections.

As to claims 6-9,33, it would be obvious to record that a customer had purchased a vehicle from a dealer or had service there and put that dealer at the top of the list as the customer would have an opinion on that dealer, whether favorable or unfavorable.

As to claims 10,28 a list of automobiles nearest the customer are returned (col 28, lines 57-59).

As to claims 11,29 the results are inherently divided into a plurality of sets (geographical region, col 28, lines 57-59).

As to claims 12,30 it would be obvious to include the prior contact with each set.

As to claims 13,31, each set is viewed one at a time (by geographical region).

As to claims 14,32, it would have been obvious to one of ordinary skill in the art to have a link to another set of options as Grosser discloses a "reject" option (col 28, lines 65-66) for a set of options.

As to claim 15, it would be obvious to have the sets arranged in geographical order as that is how they are chosen.

As to claims 16,34 it is very well known to have maps displaying geographical region. Therefore, it would have been obvious to one of ordinary skill in the art to use a map to ease location selection.

As to claims 17,35 it would have been obvious to one of ordinary skill in the art to have directions to the dealer to make it easy for the customer to get to the chosen dealer.

As to claims 18,19,36 and 37 it would be obvious to one of ordinary skill in the art to list sets of dealers with the most recent prior contacts as these are the dealers the customer has shown an interest in.

As to claim 21, Grosser discloses a browser (304), having forms capabilities (figs 16a-k).

As to claim 22, the means is the Internet (fig 3).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Fisher



Patent Examiner
GAU 3629



MF

9/27/06